**IN THE HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**
Writ Petition No. 926 of 2005 (S/S)

Madan Lal Saxena
S/o Late Shri Charan Dharari Lal
R/o Government Inter College Santipuri
District Udham Singh Nagar … Petitioner

Versus

1. State of Uttaranchal through
Secretary Education
Civil Secretariat
Uttaranchal, Dehradun
2. Director of Education
Uttaranchal, Mayur Vihar
Dehradun
3. Joint Director of Education
Kumaon Division, Nainital
4. Principal
Government Inter College, Santipuri
District Udham Singh Nagar … Respondents

Sri Rajendra Dobhal, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the State

**Hon'ble B.C. Kandpal, J.**

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005(annexure No. 12 to the petition) passed by the respondent No. 3 i.e. Joint Director of Education, Nainital.

Brief facts giving rise to this petition are that the petitioner was appointed as temporary Assistant Teacher in Tharu Government Inter College, Khatima, District Nainital (now District Udham Singh Nagar) in the month of November 1975. Thereafter, the petitioner was given ad-hoc promotion, along with other persons, to the post of Lecturer (English) in Tharu Government Inter College, Khatima, District Nainital in the pay scale of Rs. 650-1280 vide order dated 23.07.1986 passed by Additional

Director Education (Hill), Uttar Pradesh. Thereafter, the petitioner had given his option for plain cadre in the year 1980. The petitioner was relieved for the State of Uttar Pradesh, Vide order dated 31.07.2002 passed by the Principal of Tharu Government Inter College, Khatima District Udham Singh Nagar in pursuance of the order dated 25.07.2002 passed by the District Inspector of School, Udham Singh Nagar, but the petitioner was not permitted to join his duties there, Thereafter, the petitioner along with other persons filed a writ before this Court and vide Hon'ble Court's order dated 22.04.2003 a direction was given to the State of Uttaranchal to permit the petitioners to rejoin their services in the State of Uttaranchal.

The petitioner was permitted to join as Lecturer (English) in Government Inter College, Shantipuri, District Udham Singh Nagar vide order dated 28.04.2003, passed by Additional Director of Education, Uttaranchal, Dehradun.

Now, on 30.06.2005 the respondent No. 3 vide impugned transfer order dated 30.06.2005 transferring the petitioner from Government Inter College, Shantipuri District Udham Singh Nagar to Government Inter College Paharpani, District Nainital.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

Accordingly, the writ petition is disposed of finally.

However, it is open for the petitioner to move representation before the respondent No. 3 within a period of 15 days along with certified copy of the judgment and the respondent No. 3 shall thereafter decide the

representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of 30 days by passing the speaking and reasoned order.

**(B.C. Kandpal, J.)**

12.07.2005
ASWAL